

RANGE OF THERMOMETER.
The thermometer ranged as follows at
The Times office yesterday: 9 A. M., 31;
12 M., 33; 3 P. M., 38; 6 P. M., 39 P. M.,
34; midnight, 33. Average, 34.

VOL. 17. NO. 4.

WILL MAKE SURE OF THE FAUST MURDERER

Hand of Vengeance Stayed
by Uncertainty

TO SHIELD ANOTHER

No Effort to Lynch Ollie Epes
Until More is Learned.

TRIAL FOR CRIMINAL ASSAULT

A Well Known White Man Will Probably
Make Defense Against the Charge of a
Young German Girl On the Plea of
Insanity—He Let County
and Was Arrested on
His Return.

(Special Dispatch to The Times.)

LUNENBURG, C. H. VA., Feb. 11.—
(Via Blackstone).—The public mind is in
suspense and waiting with intense in-
terest further developments in the Faust
murder case. The arrest last night of
Ollie Epes, under suspicion of having
committed the crime, which then seemed
certain of definite results, is again cloud-
ed with uncertainty.

Epes, when questioned after his exami-
nation before the justice last night
as to why he told the tale on the white
man, replied that he was afraid Sidney
Hambrick would be lynched, and he did
not want to see an innocent man hung.

Warrants were issued to-day for the
arrest of Sidney Hambrick, Douglas Wil-
iams and Ham Bagley.

A POPULAR THEORY.

There are some who yet think Sidney
Hambrick implicated in the murder,
and perhaps have gotten Epes to tell his
story in order to divert suspicion from
him. There are some who contend that
Epes is half-witted and easy to make a
fool of, but along with his half-wit is
certainly a large amount of shrewdness.

It is the general belief now that no ef-
fort will be made to lynch Epes until
more information is gained and the other
suspects thoroughly investigated.

WILL MAKE NO MISTAKE.

It seems certain that Ollie Epes owes
his life to the uncertainty that surrounds
his connection with the crime. While
many of the best citizens have been
urging his arrest, and his arrest has
been the purpose of the vengeance
upon the perpetrator of the inhuman
murder of the feeble Mrs. Faust, they
will first be sure they have the guilty
man. The fact being raised by the citi-
zens to be offered as a reward for the
comprehension and conviction of the mur-
derer already reaches several hundred
dollars.

TRIAL OF STOKES.

Court is now in session and engaged
in the trial of a case of criminal assault,
which for many months has created much
interest in the county, the prisoner being
a white man of good connections and
widely known.

The case is that of St. Stokes, charged
with criminal assault upon H. O. V.
Wise, a ten-year-old German girl, in
May, 1901. Stokes absconded after the
crime, but, having returned to the
county, he was arrested and put in jail
here and indicted for the crime, for
which he is now on trial.

The girl testified at the trial to-day
that as she was returning from McHenry
Depot Stokes rode past her on a mule,
that he tied the mule to a post, threw
her down and attempted to criminally
assault her.

PLEA OF INSANITY.

To save the young girl's feelings,
Judge Ordain ordered the court-room
cleared of all persons, except the jury,
counsel and officers of the court during
her recital.

The case promises to last several days,
as some forty or fifty witnesses have been
summoned, and the line of questioning by
the defense will be insanity of the prisoner.

The crowd in attendance is quite large
and the excitement in regard to the
murder will not doubt attract a much
larger attendance.

BRILLIANT CELEBRATION.

Distinguished Men Initiated Into the Phi
Beta Kappa Society.

(Special Dispatch to The Times.)

WILLIAMSBURG, VA., Feb. 11.—The
annual celebration of the oldest Greek
letter society in this country, the Phi Beta
Kappa, which took place at the College
of William and Mary, was an occasion
brilliant with oratory, poetry and humor.

Dr. Beverly D. Tucker presided and Mr.
Frank B. Brent, of Richmond, the orator
of the occasion, surpassed his own reputa-
tion, and his subject, "The Northwest
Territory and the Ordinance of 1857," was
a valuable gift to history.

The poem read by Dr. Robert Under-
wood Johnson, of New York, was pro-
nounced a gem of purest ray serene,
which Lincoln, Governor of New York,
captured the audience with his glittering
and sparkling speech. At the conclusion
of the public exercises the following new
members were initiated: Dr. R. M. John-
son, New York; Mr. Dr. P. Brent, Hon. J.
L. Gordon, New York; Dr. P. C. Williams,
Dr. Plummer P. Jones, Robert S. Bid-
gat, Philadelphia.

The banquet was served in the college
library to the members and invited guests.

ISTHMIAN CANAL.

Panama Company Can Transfer Val'd Title,
Thinks Former Senator Pascoe.

(By Associated Press.)

WASHINGTON, D. C., Feb. 11.—Former
United States Senator Samuel Pascoe,
now a member of the Isthmian Canal
Commission, testified before the Senate
Committee on Inter-Oceanic Canals to-
day that he had carefully investigated the
proposition by the new Panama Canal
Company for the sale of the Panama Canal
rights, and that he was fully convinced
that under the French laws and the usage
of the French courts that company had a
valid title to the franchises and right of
way to the canal, and could, therefore,
make a transfer to the United States
which would hold good.

In reply to questions, Mr. Pascoe said
he understood that there are now two
gentlemen in the city from Colombia for
the purpose of co-operating with the mi-
nister of that country in granting the

NECESSARY CONCESSIONS FOR THE CONSTRUCTION OF THE PANAMA CANAL BY THE UNITED STATES.

Mr. Pascoe was questioned at length by
Senator Morgan as to the effect of the
various treaties between the United States
and other Powers relative to the canal
and also to the bearing of the French
laws upon the proposed transfer, the re-
sult being that Pascoe and Morgan dis-
covered a large amount of shrewdness.
Senator Morgan also sought to bring out
the fact that a concession of only ninety-
nine years in the way of a lease would
not be sufficient to meet the demands of
the United States in case the proffer on
the part of the Panama Company should
be accepted by this country, and Mr.
Pascoe agreed with him on that point,
adding his opinion that a concession in
perpetuity could be secured from Colum-
bia.

PATRICK TRIAL.

Handwriting Expert Testified as to Signature
to Checks.

(By Associated Press.)

NEW YORK, Feb. 11.—John H. Wal-
lace, the paying teller in Swenson &
Son's Bank, was recalled to-day in the
trial of Albert T. Patrick. The recorder
did not permit him to tell of a tele-
phone conversation with Charles Jones,
Patrick's valet, the day after Jones's death.
He identified 161 papers as having been
signed by Mr. Patrick, succeeded Wal-
lace on the witness stand, and identified
the photographic exhibits in the case.

Albert S. Osborne, of Rochester, a
handwriting expert, was the next wit-
ness. The assistant attorney submitted
to the witness the two Swenson checks,
the 1900 will and the general assignment
and Mr. Osborne said he had examined
the signatures on these papers and had
the signatures to which Jones's admitted
signatures. The same hand, he said, did
not write the disputed and conceded sig-
natures. At the request of Mr. Osborne,
the expert told with great technical de-
tail how he had reached that conclusion.
He was still on the stand when
court adjourned for the day.

Condor's Boat Picked Up.

(By Associated Press.)

VICTORIA, B. C., Feb. 11.—Captain
Davis, who acted as pilot on the United
States steamer Grant on her trip along
the west coast of Vancouver Island, re-
solved the mystery of the missing sloop of
war Condor, which was reported to have
been wrecked on the coast of British
Columbia, to which the ship was
handed over the ship's boat picked
up by Indians on the coast, immediately
identified the boat as one from the miss-
ing war sloop.

TRAPEZE LADY BREAKS HER NECK

Falls Thirty-five Feet Without a
Net While Doing Thrilling
Act at Newport News.

(Special Dispatch to The Times.)

NEWPORT NEWS, VA., Feb. 11.—Miss
Eva Gilbert, a trapeze performer, who
has been engaged at the Powhatan Thea-
ter for the past six weeks doing an aerial
act, fell and broke her neck during the
performance to-night. She was about
10 o'clock when Miss Gilbert went on, and
among the first features of her act was
to swing from a trapeze and catch her
foot in a loop suspended about thirty-
five feet above the floor. She made her
swing and landed on the trapeze, but her
foot slipped from the loop, and she shot
headlong to the floor almost at the feet
of the horrified spectators. Her neck was
broken and she died almost instantly.

The girl testified at the trial to-day
that as she was returning from McHenry
Depot Stokes rode past her on a mule,
that he tied the mule to a post, threw
her down and attempted to criminally
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C. AYLETT ASHBY PLACED ON TRIAL

Must Answer Charge of Mur-
der of E. A. Marye.

A JURY NOT SECURED

A Venire of Thirty Produced
Only Eight Men.

MANY HAD FORMED OPINIONS

A Brilliant Array of Counsel in the Case—No
Active Prosecution Will be Made by the
Friends of the Dead Man, but His
Good Name Will be Protec-
ted—A History of
the Tragedy.

(Special Dispatch to The Times.)

NEWPORT NEWS, VA., Feb. 11.—C.
Aylett Ashby, one of the most brilliant
and popular members of the local bar,
and belonging to one of the most dis-
tinguished and aristocratic families in
Virginia, was placed on trial in the Cor-
poration Court this morning to answer
to indictment for the murder of City
Engineer E. A. Marye.

The young man, who was mortally
wounded, was a son of Colonel Morton
Marye, of Richmond, State Auditor, re-
presentative also of one of the oldest and
best known families in the State. Young
Marye was a cutter at the home of Miss
May Garnett, sister-in-law of Ashby, but
for some months previous to the shoot-
ing he had been denied the privilege of
calling upon her.

On the afternoon of December 29th last
Marye passed by the house, and, sized
with a sudden impulse, began throwing
rocks, bricks and flower pots through
the window, after first trying to enter
by the door. He had been drinking some
and was also very much excited. He
threw a brick which struck Marye on the
head, and caused his death. The killing
was a sudden and unexpected tragedy.

After a discussion, in which the opinion
of the Boer delegates was considerably
divided, Mr. Kruger and Mr. Leyden, con-
vinced the others that it was not wise
to make overtures to Great Britain for
permission to open telegraphic communi-
cation with the Boer leaders in the field.

Dr. Kruger and Mr. Leyden, con-
vinced in this view, and, therefore, it has
been provisionally determined to main-
tain the status quo.

These things in combination probably
unsettled his mind temporarily. At any
rate, Mrs. Ashby telephoned to her hus-
band, who was at the time in the city, to
bring a revolver and started home. On
the way up he encountered Marye com-
ing down the street with an officer. Not
realizing that Marye was under ar-
rest, Ashby fired four times at him. One
bullet struck the officer in the breast,
but was deflected by a button. Another
bullet struck Marye in the abdomen,
killing him. The third bullet struck the
killing and caused his death, under an opera-
tion, a week later.

Ashby was arrested and bailed in the
sum of \$20,000, and rebailed in the same
sum when sent to the grand jury. He
was also charged with felonious assault
in the Woodward case, but this was not
pressed. The bail was furnished in five
minutes, and many times that amount
could have been raised.

A feature of the proceedings in the
matter of furnishing bail was the ap-
pearance of Mr. R. G. Blackford, counsel
for the wounded man, and his brother,
stated that they did not believe Ashby
to blame for the shooting.

The case is the most famous this sec-
tion of the State has ever had, and one
of the most notable in the history of
Virginia.

CROWDED COURT-ROOM.

When the case was called to-day the
court-room was crowded to its capacity,
the throng including almost the entire
local bar, but no member of the Marye
family was in court. Connected with the
case is an array of legal talent never
gathered here before. J. L. Lee, of Lynch-
burg, and R. M. Lett, of this city, conduct
the active defense, while J. C. Baker
and C. C. Mitchell, of the county, are
counsel for the State.

Mr. Peter Mayo, of Richmond, a kin-
man of the defendant, is also with Ashby
in the capacity of friend. Mr. Hill Car-
ter, a distinguished member of the Rich-
mond bar, is attending to the legal de-
fense of the Maryes. While he will not
join in any prosecution of the defend-
ant, he will see that the dead man's good
name is not jeopardized by the efforts of
the defense to prove provocation and jus-
tification.

The State is represented by Common-
wealth's Attorney C. W. Robinson. The
group is typically Virginia.

TACT MUST BE USED.

There seems every reason to believe
that the trial will progress smoothly and
rapidly after the taking of evidence is
under way, but much will depend upon
the tact with which the defense is con-
ducted.

ban indolence, an over-reaching in the
effort to prove "Ned" Marye a bad or a
dangerous man, a pre-announced at-
tempt to prove Ashby entirely blameless,
and Marye altogether blameless, a
chance for the jury to be misled by the
character of an ignoring of the causes which
led up to his conduct on that fatal after-
noon—any of these may precipitate a
scene such as would result from hot re-
sented because of what might be con-
sidered an undignified and unworthy
conduct. This one, too, by name, de-
clared that he had formed an opinion to
the extent that Marye was dead and had
been killed by Ashby. Further than that,

ONE WITHOUT OPINION.

Of the thirty men, there was but one
who did not admit that he had formed
an opinion, based upon newspaper reports
and rumors. This one, too, by name, de-
clared that he had formed an opinion to
the extent that Marye was dead and had
been killed by Ashby. Further than that,

Hundreds of people are arriving from
all parts of the State to attend the Good
Reuben Convention, which meets to-mor-
row morning. It is estimated that there
will be 2,000 delegates here.

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STIRRING DEBATE IN UNITED STATES SENATE

Senators Platt and Hoar
Lock Horns.

THE PHILIPPINE TARIFF

This Bill Under Discussion a
Greater Part of the Day.

SENATOR HOAR FACETIOUS

He Aroused the Ire of the Senator From the
Nutmeg State, Who Delivered a Speech
Warmly Defending the Philippine
Commission, and Even Its
Enactment of Treason
and Sedition Laws.

(By Associated Press.)

WASHINGTON, D. C., Feb. 11.—A stir-
ring debate on the general Philippine
question was precipitated in the Senate
to-day, the participants being Mr.
Platt, of Connecticut, and Mr. Hoar, of
Massachusetts. Mr. Teller, of Colorado,
had concluded for the day his argument
against the enactment of the pending
Philippine tariff bill. In response to some
statements he made, Mr. Platt directed
attention to the situation in the islands,
as he viewed it, maintaining that great
progress was being made in subduing
the insurrection.

Mr. Hoar, in reply, delivered an in-
cise criticism of the Philippine Com-
mission, declaring he had been taught
to judge men rather than their actions,
than by their words, and by this stand-
ard he could not judge the Philippine
commissioners with any degree of favor.

DAY OF INAUGURATION.

Early in the day the Senate passed a
joint resolution submitting a constitu-
tional amendment changing the time of
Presidential inaugurations and the ter-
mination and commencement of Con-
gresses from the fourth of March to the
last Thursday of April.

Senator Teller, in his speech, declared
the so-called enactments of the Philippine
Commission were a compendium of ty-
ranny and infamy.

Mr. Foraker said that the sedition and
treason laws enacted by the Philippines
were almost identical with those of Ten-
nessee.

Mr. Hoar interrupted to ask if the or-
der of General Otis, directing a forced sub-
mission, was not itself an act of war.

Mr. Teller answered that ten years ago
it would have been so considered, where-
upon Mr. Hoar declared that the Phil-
ippines could not be changed with open
hands when the United States had
by General Otis' order, issued a formal
act of war long before.

Mr. Teller expressed the opinion that the
Philippines never would consent to our
control of the islands.

"The Senator entirely certain," in-
terjected Mr. Platt, of Connecticut, "that
a majority of the Christian people of the
island do not consent to our government?"

Mr. Teller replied that he had heard
the statement which had come to him
not one-tenth of the people wanted the
United States Government in the islands.

Mr. Platt, of Connecticut, replying to
some statements made by Mr. Teller
pointed out that the American army in
the Philippines had been reduced from
70,000 to less than 40,000.

"We ought to consider facts," he urged
"We ought to take things as they are and
not things as they may be conjectured
to be. The Philippines are really well in
those islands."

He pointed out that elections were being
held in the islands to choose municipal
officers, and in these elections all the peo-
ple had a voice.

Mr. Hoar interrupted to declare that
the Philippine Commission had been re-
duced from 70,000 to less than 40,000.

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